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ABSTRACT

What is the effect of collective bargaining on the issue of excellence or equality in higher education? Relevant to this discussion are: (1) institutions of higher education vary so greatly in goals, student bodies, and products that we cannot study higher education as a single industry producing a single product; (2) the economic and political environment within which institutions of higher education operate will tend to foster the growth of collective bargaining in universities; (3) faculties and university administrators tend to overestimate the effect of faculty unionization on them and their institutions; and (4) as collective bargaining becomes more widespread in American colleges and universities, the early fears of all subgroups involved will probably appear to have been exaggerated. The concern of many faculty members that collective bargaining would transfer to a union their alleged authority is an illustration of an area in which faculty fears about the long-run effects of unionization on institutional autonomy have been exaggerated. Collective bargaining will not have a significant impact on the issue of excellence or equality. Faculty unionization probably will be absorbed into the existing system without materially changing it. (Author/KE)

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The Effect of Collective Bargaining on the Issue of "Excellence or Equality" in Higher Education

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Abstract

This paper examines the effect of collective bargaining on the issue of "excellence or equality" in higher education. The main points are: (1) Institutions of higher education vary so greatly in goals, student bodies, and "products" that we cannot study higher education as a single industry producing a single product. (2) The economic and political environment within which institutions of higher education operate will tend to foster the growth of collective bargaining in universities. (3) Faculties and university administrators tend to overestimate the effect of faculty unionization on them and their institutions. (4) As collective bargaining becomes more widespread in American colleges and universities, the early fears of all subgroups involved will probably appear to have been exaggerated.

The concern of many faculty members that collective bargaining would transfer to a union their alleged authority over questions of academic appointments, admissions, curriculum, and academic requirements is examined as an illustration of an area in which faculty fears about the long-run effects of unionization on institutional autonomy have been exaggerated. In fact, the authors argue that faculty unionization may actually enhance the role of the faculty in university governance in those institutions where the concept of "collegiality" presently exists in form, but not in substance. In those institutions in which a strong tradition of shared governance does exist, the presence of a union may prod the faculty senate into assuming a more active role in university governance than it did before collective bargaining was introduced. In short, the authors contend that collective bargaining will not have a significant impact on the issue of "excellence or equality" in higher education. Faculty unionization probably will be absorbed into the existing system without materially changing it.

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The Effect of Collective Bargaining on the Issue of "Excellence or Equality" in Higher Education

The purpose of this paper is to examine the impact of collective bargaining in the issue of "excellence or equality" in higher education. The emphasis will be on higher education in the United States, although brief references may be made to higher education in Great Britain. Our purpose is not to discuss in detail the meanings of excellence and equality or to explore the dilemma faced by institutions of higher education in choosing between these alternatives. These questions are being addressed by others.

Despite the intended omission of a full discussion of excellence vs. equality in higher education, it is essential that the writers briefly set forth their views on this so-called dilemma. An economist would resolve the dilemma by drawing a set of indifference curves and price lines and eventually arriving at an equilibrium solution. The only problem would be quantification. This "way of thinking" is applicable to a problem of this type. We agree with John W. Gardner that the dilemma is an imaginary one and that "It is possible to have excellence in education and at the same time to seek to educate everyone to the limit of his ability."[1] We do have extremists on both sides of this issue, but as Gardner so succinctly put it, "We must seek excellence in a context of concern for all."[2]

Having stated our position on the purported dilemma between excellence and equality, we shall set forth the main points of this paper and then proceed to a discussion of them. First, higher education cannot be viewed as a single industry producing a single product. Institutions of higher education, both in the United States and Great Britain, vary greatly in goals, student bodies, and "products." Second, both in the United States and in Great Britain there are many external and internal forces which will probably foster the growth of collective bargaining in universities. The key issue might well be the effect of external forces on "excellence or equality" rather than the effect of collective bargaining on the issue of excellence vs. equality. Third, the faculty and administration in institutions of higher education tend to have many misconceptions about collective bargaining and its effects both on them and their institutions. Fourth, an attempt will be made to determine the impact of collective bargaining on governance in American institutions of higher education if, and when, collective bargaining becomes more widespread among them. The authors freely acknowledge the difficulty of making accurate projections of the future. However, it is our judgment that as American colleges and universities become more familiar with collective bargaining as an alternate model of institutional governance, the early fears of the various subgroups involved will be found to be exaggerated.

The Higher Education Industry

The industry of higher education in the United States is exceedingly complex and varied. As of February 1974, there were 2,945 institutions concerned with higher education. Of these 2,945 institutions, 1,118 are classified as two-year institutions of which 871 are public and 247 are private; 210 were classified as doctoral-granting institutions of which 126 are public and 84 are private; 241 are classified as comprehensive colleges and universities[3] of which 197 are public and 44 are private; 863 are classified as general baccalaureate colleges[4] of which 144 are public

and 719 are private; and 513 are classified as specialized professional schools[5] of which 241 are bible colleges and seminaries; 76 are other public institutions; and 196 are other private institutions.[6] These data are presented in order to emphasize the point that there is no such thing as a "typical" college or university. To illustrate, the 863 general baccalaureate colleges include both liberal arts colleges and teachers' colleges. Included in the 719 private baccalaureate colleges are schools which are church related and schools which are not. Even the degree of church "relatedness" varies considerably. In short, in American higher education there is a variety of constituencies which have varying degrees of power in each institution.

This variation does not exist in Great Britain. As Gareth Williams, et al. have stated: "There is not, as in the United States, a hierarchy of institutions with easily discernible differences of prestige." In Britain certain differences in types of institutions are recognized, but they are described as small.[7]

The purpose of stressing the variation and complexity of higher education in the United States is to suggest that there is a tendency to assume that all institutions of higher education in the United States are devoted to excellence in the sense of turning out scholars and leaders in society. However, the fact remains that a very large proportion of our Ph.D.'s are produced by a very small proportion of the institutions of higher learning. If we assume that these institutions are the ones faced with the so-called dilemma, it is clear that a very large majority of the institutions and their faculties do not see a dilemma between excellence and equality. And we would assert that the introduction of collective bargaining in the majority of institutions of higher education would have little, if any, effect on either excellence or equality. We would further assert that the small proportion of universities which are concerned with the issue would find ways and means of meeting the problems of collective bargaining by the process of adjusting the conflicting goals and objectives of the various subgroups within the institution. After this adjustment many of the fears would be found to have been exaggerated. In fact, it can be said that the various subgroups within these universities--administration, faculty, students, trustees, senates, legislatures, and alumni--can show the way to the rest of society by demonstrating how the conflicting goals and objectives of diverse interest groups can be resolved within an environment where, allegedly, rationality prevails. If anyone infers from this last comment that rationality in university decision making is something less than perfect, so be it. In fact, there is some evidence that collective bargaining may introduce greater rationality to the decision-making processes of the universities, thus encouraging administrative excellence, something which is lacking in much of the rest of society.

The Changing External Environment

The economic and political environment in the United States is changing very rapidly and is bound to have a significant impact on the development of collective bargaining in higher education. Because of limited space, these influences will be listed, rather than discussed. The economic factors include:

1. The high rate of inflation and its effect on faculty salaries and university costs.

2. The inability of higher education to achieve rapid and consistent increases in productivity. (It is recognized that there are difficulties in measuring productivity.)

3. Some evidence in the United States that increases in faculty salaries tended to be higher in those institutions where the faculties were organized.

4. The decrease in the rate of 18 - 21-year-olds who enroll in institutions of higher education and the recent declines in the birth rate.

5. The decrease in the proportion of public revenues going to universities as society establishes higher priorities and concerns itself with other urgent social problems.

The political factors include:

1. An increasing legislative and executive involvement in public higher education in the form of prescribed budgetary limitations, prescribed changes in the structure of higher education, guidelines for the selection of trustees, and the imposition of other administrative controls.

2. A decline in institutional autonomy as a result of various state and federal guidelines. As the institution's responsibility for certain educational decisions is eroded, it is not unreasonable to assume that many faculties will turn to collective bargaining in order to restore some of their control over matters which, in their judgment, contribute to excellence.

To date, there seems to be a negative correlation between the degree of institutional autonomy and faculty unionization. Given this relationship, one could expect to see an increase in the number of institutions adopting collective bargaining since more and more public institutions are losing the authority to make decisions that determine their essential character to state and federal government agencies. Collective bargaining, in this sense, is a tool to be used by faculties to cope with the hostile political environment. Unionization would be more a protective than an aggressive act, more an effort to preserve the status quo than to achieve a new position of influence and affluence.[8]

However, in many colleges, particularly community colleges and some of the emerging four-year institutions, faculty members never have had much influence in governance. For them, collective bargaining is a means of obtaining power from administrators and trustees and of making their authority equivalent to that of faculties in other types of institutions. Thus, in the first group of institutions, collective bargaining is a means of preserving professional autonomy while the redistribution of authority is the objective in the second.[9]

3. Increasingly, in the United States, state legislatures have enacted laws which authorize collective bargaining for the faculty in public universities. And private universities, under certain circumstances, come under the jurisdiction of the National Labor Relations Act, as amended.

4. There has been a public clamor, correct or not, against the liberalizing effects of higher education, against the allegedly high degree of "permissiveness" found on many campuses.

Issue of Governance

Probably as a result of the external factors discussed above, the concept of "shared governance" will gradually be eroded. For example, the financial difficulties facing both public and private universities may erode the faculty's traditional authority in the areas of academic appointments, admissions, curricula, requirements for graduation, etc. The imposition of greater legislative and executive controls over the allocation and expenditure of public funds for higher education may result in an increase in institutional responsiveness to societal pressure at the expense of faculty authority over the goals and objectives of the higher educational institution.

The concern of many faculty members that the introduction of collective bargaining would transfer to a union their alleged authority over questions of academic appointments, curricula, and academic requirements seems to be valid. Therefore, let us turn our attention to this question. First, we would argue that the degree of faculty influence or authority over these issues has been much exaggerated; second, that where such control does exist, collective bargaining will have little, if any, effect; and, third, that where such control does not exist, collective bargaining can enhance the role of the faculty in the governance of the university.

Under a system of shared governance, faculty can be organized to express a considered opinion and to exert influence on behalf of that opinion without claiming for itself the power to make the policy.[10] Under this system the faculty "share" in shared governance is limited to exerting influence. Even in academic areas where professors determine campus policy, they cannot administer it as they can in their own departments.[11] The main power of the professoriate in university governance in the United States is at the department level.

Recent studies reveal that faculty members think that they have little influence on institutional governance. An American Council on Education report states that 51 percent of the faculties surveyed felt that they had little influence on decision making and another 44 percent felt that faculty participation in decision making was less than ideal.[12] The National Center for Educational Research and Development reports that professors have little influence regarding their professional duties: "One-half of the faculty members (44 percent) reported that there was no effective organizational medium for the expression of the faculty viewpoint."[13]

Nationally, the major debate in the United States concerning the impact of collective bargaining on governance focuses on the relationships between academic senates and unions. Most institutions of higher education have some type of organization that is similar to an academic senate.[14] It is through these organizations that formal faculty participation in institutional governance occurs. Garbarino classifies such union-senate relationships into three types: cooperation, competition, and co-optation.[15] He concludes that the most common relationship between unions and senates is one of cooperation or at a minimum coexistence. At both single campus and main branch universities where administrative structures are simple and union membership is narrowly defined, cooperation has been the dominant type of relationship to develop between the union and the senate. By contrast, in large complex institutional systems where bargaining unit membership is broadly defined, senates and unions are often most competitive. However, even in these large systems, the

relations between local academic senates and local branches of the union are often cooperative.[16]

According to Garbarino, an important incentive encouraging cooperation is the natural division of labor that logically exists when senates are most active in academic matters and unions are most active in personnel and money matters. In institutions where unions and senates tend to be competitive, the union is commonly perceived as a vehicle for superseding the current power structure reflected by the senate leadership. This situation, Garbarino argues, is particularly common when a union representing a comprehensive group of constituencies coexists with a faculty senate whose membership excludes nonteaching professionals and others. The problem is accentuated by the fact that administrators, when confronted with two organizations representing the faculty, show a definite preference for academic senates over unions, thereby bringing to the surface the latent competition between the two groups.[17]

A number of institutions have used co-optation as a means of resolving the senate-union impasse. Simplistically, co-optation may be described as collegiality by contract.[18] In this type of relationship the union is recognized as the primary representative of the faculty. However, the issues that are recognized as being negotiable and the group that will consider them are subjects to be resolved by representatives of the union and the administration. In this type of environment, the authority of the senate is preserved by specific inclusion in the contract. In some versions of co-optation, senate review of some aspects of the negotiated agreement is sanctioned.

A common generalization concerning the impact of faculty bargaining has been that traditional modes of faculty participation in university governance will deteriorate when collective bargaining is introduced.[19] However, a review of the relevant literature suggests that there is little empirical evidence to support this hypothesis. James P. Begin provided preliminary evidence based on an ongoing study of the 26 public institutions of higher education in New Jersey that collective bargaining has not led to a significant dismantling of the traditional institution-wide or system-wide governance mechanisms such as university senates. Rather, the evidence suggests that the senates are participating more actively in policy deliberation than before the introduction of collective bargaining to the institution.[20]

As of March 1974, none of the four-year institutions which are unionized had reported that faculty senates had ceased to operate.[21] The relationships developing between faculty bargaining agents and senates are varied, Begin suggests, and range from informal ties to highly formal arrangements.[22] Begin illustrates the wide range of developing relationships by outlining the spectrum of possibilities using examples of public and private institutions and those offering two-year and four-year programs. He concludes that "...the growing formalization of bargaining agent-senate relationships has enhanced the development of cooperative rather than competitive relationships."[23]

Without a cooperative relationship, bargaining agents are reluctant to refer issues tc traditional forums because there is no guarantee that the senate will produce results which are acceptable to the bargaining agent.[24] A faculty senate usually contains constituencies different from those of the bargaining agent. Faculty members not supporting

collective bargaining, administrators not involved in bargaining, students, and competing union organizations are all usually represented in a faculty senate. Furthermore, senate representatives tend to be older and more conservative than union representatives.[25] Finally, there is the question of whether university senates are dominated by administrative personnel. To the extent that leaderships and memberships of senates and unions are congruent, bargaining agents are more secure and, thus, more willing to help preserve traditional senates.[26]

Inevitability of Collective Bargaining

Considering the changed political and economic environments in which the higher education industry must operate in the coming decades, the question of whether or not faculties will continue to utilize collective bargaining as a means to protect their interests does not seem to be the major issue. Rather, the question seems to be how collective bargaining will be introduced to colleges and universities and how that process can be integrated into the governance of the university.

A common academic assumption is that collective bargaining is incompatible with excellence. It is argued that unionism challenges the tendency in the academic world to excel at research and creativity. Historically, unions in the United States have concentrated on salary increases and other easily measured indicators of effectiveness and not on improving the quality of higher education. Over three decades ago the U. S. Supreme Court observed that collective bargaining takes precedence over individual bargaining, thereby discouraging selective rewards for particular members of the work force.[27] Speaking for the court, Justice Jackson stated, "The practice and philosophy of collective bargaining looks with suspicion on...individual advantages."[28] Clearly, a discussion of the levelling effects of unionization is warranted.

However, other professions have unionized while retaining a competitive "star" system. One obvious example is the entertainment industry. Another is journalism. Also, as Ladd and Lipset point out:

> Pressures toward equal treatment in academe...will have many of the consequences on institutions that some critics of unionism foresee but they will not eliminate the star system. The City University of New York, for example, has thus far been able to retain its particular form of the star system: provision for fifty "Distinguished Professors" who have a light teaching load and receive a variety of special services as well as five thousand dollars above the maximum salary that other professors in the system may attain.[29]

Will Collective Bargaining Identify More with Excellence or Equality?

Despite the fact that a strong egalitarian movement pervades higher education today and that most Americans would endorse the principle of educating each individual to the limit of his ability regardless of his ability to pay for that education, we still find a disproportionately high proportion of high school graduates in the lower socioeconomic levels who do not have access to higher education because they do not have the resources to finance that education. Arthur M. Okun, in a recent book, states the problem well:

> Among high school graduates with equal academic ability, the proportion going on to college averages nearly 25 percentage points lower for males (and nearly 35 for females) in the bottom socioeconomic quarter of the population than in the top quarter.[30]

Collective bargaining traditionally has identified with equality. Thus, it seems reasonable to hypothesize that the affiliation of academics with the trade union movement would identify more with equality than with excellence. When one considers the general philosophical position historically espoused by unions, it seems highly probable that academic trade unions might even lobby for increased access to higher education for all groups in society.

The authors suggest that a shift in this direction, though it has the semblance of "equality," is bound to yield results in the form of "excellence." If one assumes that higher education somehow increases the productivity of the work force, the exclusion of a large percent of qualified young people in the lower socioeconomic groups from access to higher education means a loss of productive workers to the economy as a whole. In terms of human capital, a huge resource is being underutilized. In short, the authors suggest that the affiliation of academics with the trade union movement will identify more with equality in terms of equal access based on ability than with excellence and, in that sense, the introduction of collective bargaining to colleges and universities in the United States can make a contribution to excellence.

FOOTNOTES

[1]John W. Gardner, Excellence--Can We Be Equal and Excellent Too?, (New York: Harper and Row, Harper Colophon Books, 1961), p. 77.

[2]Ibid., emphasis in original.

[3]Comprehensive is defined at those institutions that may have doctoral programs (but no Ph.D.'s were awarded in 1969-71) and that offer master's degrees and have an enrollment of more than 3,500 students.

[4]General baccalaureate colleges are defined as institutions that award the master's degree but have enrollments under 3,500 students.

[5]Specialized professional schools include bible colleges and religious seminaries, medical schools, schools of health-related professions, engineering and technology schools, schools of business, music, art, design and law, teachers' colleges, graduate centers, military academies, and other specialized kinds of institutions.

[6]Academy for Educational Development, Management Division, "Numbers of Colleges and Universities, By Type and Control," The Chronicle of Higher Education (February 19, 1974), p. 8.

[7]Gareth Williams et al., The Academic Labour Market, (Amsterdam, London, New York, 1974), Elsevier Scientific Publishing Company, p. 80. See also Appendix A.

[8]The Carnegie Commission on Higher Education, "Collective Bargaining and Faculty Power," Governance of Higher Education: Six Priority Problems (New York: McGraw-Hill Book Company, 1973), p. 40.

[9]Ibid.

[10]Leon D. Epstein, Governing the University (San Francisco: Jossey-Bass, Inc., 1974), p. 138.

[11]Ibid., p. 139.

[12]Archie R. Dykes, Faculty Participation in Academic Decision Making (Washington, D. C.: American Council on Education, 1968), p. 11.

[13]James H. Huber, The Occupational Roles of College Professors (Washington, D. C.: Department of Health, Education, and Welfare, 1969), p. 3.

[14]A recent survey indicates that 40 percent of all institutions of higher education in this country have senates composed of faculty, administrators, and students. Harold Hodgkinson, The Campus Senate: Experiment in Democracy (Berkeley: Center for Research and Development in Higher Education, 1974), cited in Kenneth R. Mortimer, "Research Data on Tenure and Governance Under Collective Bargaining." A speech delivered at the American Federation of Teachers Conference: Collective Bargaining, Faculty Governance and Tenure, November 16, 1974, New York City, p. 9.

[15]Joseph Garbarino, "Faculty Unions, Senates and Institutional Administrators," paper presented at the American Council of Education Meeting, (October 10, 1974). Cited in Mortimer, op. cit., pp. 9-10.

[16]Garbarino, op. cit.

[17]Ibid.

[18]Ibid.

[19]Faculty Participation in Academic Governance, American Association of Higher Education (1967). See also Terrence N. Tice (ed.) Faculty Bargaining in the Seventies, Institute of Continuing Legal Education, University of Michigan (1973), p. 129.

[20]James P. Begin, Faculty Governance and Collective Bargaining: An Early Appraisal, Special Report #5, Academic Collective Bargaining Information Service, Washington, D. C. (March 1974), pp. 1-2.

[21]Ibid., pp. 2-3.

[22]Ibid., p. 6.

[23]Ibid., p. 7.

[24]Ibid.

[25]Seymour M. Lipset, "The Politics of Academia," D. C. Nichols, (ed.) Perspectives on Campus Tensions (Washington, D. C.: American Council on Education, 1970), p. 117. Cited in B. L. Adell and D. D. Carter, Collective Bargaining for University Faculty in Canada (Kingston, Ontario: The Industrial Relations Center, Queen's University, 1972), p. 21.

[26]Begin, op. cit., pp. 6-8.

[27]Robert K. Carr and Daniel K. Van Eyck, Collective Bargaining Comes to Campus (Washington, D. C.: American Council on Education, 1973), p. 266.

[28]J. I. Case Co. vs. NLRB, 321 U. S. 332, 338-39 (1944). Cited in Carr and Van Eyck, op. cit., p. 266.

[29]Everett Carl Ladd, Jr., and Seymour Martin Lipset, Professors, Unions, and American Education, The Carnegie Commission on Higher Education (1973), p. 43.

[30]Arthur M. Okun, Equality and Efficiency: The Big Trade-off (Washington, D. C.: The Brookings Institution, 1975), p. 81.